

International Journal of Law Research, Education and Social Sciences

Open Access Journal – Copyright © 2025 – ISSN 3048-7501
Editor-in-Chief – Prof. (Dr.) Vageshwari Deswal; Publisher – Sakshi Batham



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Beyond the Code: AI's Ethical Odyssey in the Legal Realm

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Received 13 January 2025; Accepted 12 February 2025; Published 15 February 2025

In this evolving landscape of technology, Artificial intelligence (AI) has proved itself to be a lighthouse, illuminating the pathway of innovation and changing the landscape of legal technology, but this lighthouse sometimes does not guide us toward a safe shore; it leads us to further confusion and chaos, and unfortunately, AI is drifting towards that path in this era. Legal professionals are increasingly dependent on AI to work smarter and summarise tedious tasks such as legal research and document review; intelligence has made these time-consuming tasks exciting and easy, but, as a coin has two sides, so does artificial technology, the other side of the coin has now become a severe alarm, on the flip side of the issue there lies the ethical considerations relating to the use of AI which begs to be addressed before its use becomes global, this article will shed some light, on the moral consideration relating to transparency that comes with the use of artificial intelligence, it will analyse the reliance of AI in this era which leads to scepticism among lawyers, the paper will also deal with the data concern that has risen due to the use of AI and will provide an insight on how the world will deal with such issue. This article also explores the balance between efficiency and ethical responsibility. It highlights the importance between collaborators, experts, and developers by tackling these ethical implications early so that legal professionals can easily use AI gifts without disrupting the values of justice, fairness, and equality.

Keywords: *scepticism, artificial intelligence, ethical consideration, transparency, legal profession.*

INTRODUCTION

Artificial intelligence is a branch of computer science that stresses the creation of intelligent machines that work and react like humans¹. It is claimed that artificial intelligence might eventually replace humans in some industries. AI is a technical innovation that surfaced in the 1950s but has recently resurfaced due to technological advancements². Machine learning, algorithm utilization, speech recognition, mapping, parameter analysis, and cognitive computing in the context of law are all considered forms of legal artificial intelligence. Its capacity to manage vast volumes of data has led to its recent surge in significance. Natural language processing, deep learning, and machine learning are all used in legal AI. A subset of artificial intelligence called machine learning involves programming different algorithms into computers to teach them certain tasks that aid in the development of prediction models. When we think about a cellphone number, for instance, we can quickly recognize its features. For instance, if +91 is used before a number, we know it belongs to India, and the computer would recognize that.

Another component of legal AI is deep learning. Here, the developer gives the system instructions on how to recognize an object's distinguishing trait. However, for these items to be directed into the system, a lot of data is required. Natural language processing (NLP), which is mostly dependent on machine learning and deep learning, is also used for example, Google Assistant, Siri, Grammarly, and many more apps employ this NLP technology. Many aspects of artificial intelligence have advanced in the modern era. Chatbot addiction is on the rise, and virtual personal assistants such as Google, Alexa, Siri, and others are expanding quickly. Virtual personal assistants such as Google, Alexa, and Siri are becoming more and more common; India has successfully incorporated AI into a number of its industries.

People are becoming so dependent on artificial intelligence without even realizing it because it is so widespread, and there is no way out of it. It initially resolves a lot of problems in the real world, which is why it has gained a lot of popularity lately. These days, artificial intelligence is employed not just in manufacturing but also in business and healthcare.

¹ Stuart Russell and Peter Norvig, *Artificial Intelligence: A Modern Approach* (3rd edn, Pearson 2010)

² John McCarthy, 'What is Artificial Intelligence?' (*Stanford University*, 12 November 2007)

<<http://jmc.stanford.edu/articles/whatisai/whatisai.pdf>> accessed 07 January 2025

The widespread use of AI in all spheres of life needs more than just legal engagement. As AI is currently used in the legal system, there is a genuine chance to lower costs, increase access to justice, and enhance the quality of legal services. All, however, that the integration of AI is likely to bring with it ethical and legal issues regarding the judicial system have to be addressed. To this end, the Indian government is working toward this goal and fresh laws and regulations in regards to the use of AI within the judicial system are likely to be drawn out soon.

AI can bring in a judicial revolution by providing both efficiency and justice at the same time. It may be used to automate simple chores as well as complicated legal reasoning. Serious ethical as well as data security questions emerge with AI in the judicial system. Attorneys are gearing up for the change too. Since AI is more powerful than humans, people disagree on whether technology can truly replace human reasoning in the legal profession.

The use of artificial intelligence within the legal area has increased appreciably since the last decade. Artificial Intelligence (AI) techniques include computer vision, natural language processing, and machine learning algorithms used for various legal tasks, such as contract review, legal research, and even case outcome prediction. Although AI is being used in the judicial system to increase efficiency and cut expenses, concerns about privacy, prejudice, and accountability are raised. This study article describes artificial intelligence (AI) and its use in the legal field, as well as the knowledge of legal ethics. The study explores the relationship between AI and data security. This study also assesses how the lawyer skepticism mechanism functions within an environment where artificial intelligence affects the legal industry.

LITERATURE REVIEW

According to Barton, ‘the nature of lawyers’ daily work changed less than perhaps any other profession throughout it all, progressing from goose quill to typewriters to word processors residing in the cloud.’³ Many legal futurists had foreseen the technology, even if it was not a fundamental component of law. According to a study that was published in a publication in September 1986, the legal profession cannot overlook the opportunities presented by technology. Susskind, a legal futurist, stated in one of his books that ‘disruptive technologies’ will significantly affect attorneys in the future (2008)⁴.

³ Benjamin H Barton, *Glass Half Full: The Decline and Rebirth of the Legal Profession* (OUP 2015)

⁴ Richard Susskind, *The Future of Law: Facing the Challenges of Information Technology* (OUP 1996)

According to an essay by Jyoti Dabass, legal AI will be posing a threat to human competence in the field of law. She continues by outlining how legal AI is becoming more and more significant and helping solicitors in their profession⁵. According to Jamie J. Baker⁶, there is a possibility that the practice of law may undergo a significant transformation as a result of growing digitization. According to John O. McGinnis and Steven Wasickopines⁷, since the law is an information technology, digitization can increase our access to it and help it do its intended function more effectively.

AI can use a certain set of algorithms to arrive at a result, but it is never able to create a case, enact new legislation, or adopt new rules. Although artificial intelligence (AI) has been overused in legal research, Jamie J. Baker believes that while AI may help humans with research, it cannot replace human intellect since legal research is a complex process⁸. However, platforms like ROSS intelligence and LexisNexis, which employ natural language processing (NLP) systems to perform research in seconds with only a restricted phrase search, are using AI more and more in legal research, making it easier and more accessible for consumers⁹.

STATEMENT OF PROBLEM

In the subject of law, artificial intelligence has brought about a paradigm change that presents both enormous obstacles and revolutionary possibilities. There are still a lot of obstacles in the way of using AI in legal systems, though. Data protection is the biggest concern. Security and privacy concerns, along with the management of the amount of private and sensitive data being held by a law firm, are the issues with AI applications.

More than ever, there are ethical requirements, which are not necessarily to make the job any easier regarding accepting AI into the legal profession. Confidence accountabilities and the need for competent representation must be balanced with the AI technology's potential and

⁵ Samuel Maireg Biresaw and Abhijit Umesh Saste, 'The Impacts of Artificial Intelligence on Research in the Legal Profession' (2022) 5(1) International Journal of Law and Society <<http://dx.doi.org/10.11648/j.ijls.20220501.17>> accessed 07 January 2025

⁶ Ashmita Mitra and Amulya Baid, 'Artificial Intelligence and the Future of Legal Profession' (2019) 1(2) International Journal of Legal Science and Innovation <<https://www.ijlsi.com/wp-content/uploads/2019/07/Artificial-Intelligence-And-The-Future-Of-Legal-Profession.pdf>> accessed 07 January 2025

⁷ *Ibid*

⁸ Jamie J. Baker, '2018 A Legal Research Odyssey: Artificial Intelligence As Disruptor' (2018) 110(1) Law Library Journal <<https://dx.doi.org/10.2139/ssrn.2978703>> accessed 07 January 2025

⁹ *Ibid*

constraints. The other significant challenge is the skepticism of lawyers and lawyers in general. Most of them consider AI as a disruptive force that will disrupt long-standing jobs in the legal profession, causing job insecurity and a decline in trust in any AI-generated findings.

This research study focuses on finding whether AI can properly address these issues by achieving an equilibrium between efficiency and fairness. It provides an in-depth review of the relationship between AI and data security, examines the moral implications of AI in the field of law, looks into the lawyers' scepticism towards AI, and concludes with constructive recommendations on finding a balance between the incorporation of AI into the roots of justice and accountability.

OBJECTIVES

1. Analyze the role of AI in data protection, this will deal with AI's role in personal data and whether it aligns with privacy laws
2. Analyze the ethical implications involved in the use of AI, this will shed light on the effect of AI on the legal ethical profession.
3. Lawyer resistance., this objective will deal with the scepticism that comes with the use of Si in legal fields and will also deal with the battle between AI and traditional legal practices
4. This paper will provide a solution to deal with the ill effects of using AI in legal fields
5. Asses your readiness: research the current legal framework governing Artificial intelligence in the legal system

HYPOTHESIS

1. With The ever-expanding world and ever-evolving technology, the introduction of AI into this world has increased privacy issues, AI may be a boon to humanity but this boon sometimes results in the exploitation of personal data, even though AI has better operational performance, it still requires robust legal and technological safeguards to protect the general public. It is required that the legal framework prevents this data exploitation.
2. Artificial intelligence may enhance efficiency and simplify procedures like research, review, and settlement of the conflict in legal research, this has led to revolutionaries the application of ethics, when the mundane task gets easily done then the solicitor can focus on complex cases, thereby this increases the access of underprivileged groups to the legal system.

3. AI can revolutionise the legal profession by increasing efficiency, AI models are being widely used in the law sector to help lawyers do hard tasks easily, yet a question arises whether the use of AI threatens the traditional practice of lawyers. The introduction and use of AI must be gradual and slow so that it is not seen as a threat but as technology that compliments the lawyer and makes this practice easy for him rather than him getting threatened.

RESEARCH DESIGN

With an analytical approach to the implications of AI technology in the legal field, this exploratory and qualitative study will examine how AI technologies interact with established legal principles from the viewpoints of various stakeholders, including technologists, lawyers, and policymakers.

AI AND PRIVACY IN THE DIGITAL AGE: CHALLENGES AND SAFEGUARDS

With rapid technological changes in the contemporary scenario, artificial intelligence has drastically changed human life, human work activities, and interactions between human beings. As these technologies with changing functions deliver tremendous benefits associated with proper decision-making processes, high-level productivity, and individualized experience to users, several critical issues of privacy have arisen with AI as a part of everyday life. The significance of privacy has been well understood; Since individual autonomy is at the heart of personal freedom it is also today threatened by the very sophisticated and often secretive collection of personal data by AI systems. This paper addresses some important privacy issues created by AI; it gives several concrete examples of such issues; and it calls attention to the critical role played by strong regulation in safeguarding people's rights. With the introduction of AI, data collection and analysis methods became highly sophisticated and pervasive.

Everything we do, all the gadgets that we use and internet services that we use, are scanned swiftly, captured, and analyzed. Data gathering is mainly done without full permission or transparency, and there is a huge risk of people's privacy getting violated. Privacy preservation is, therefore very much in demand as AI technologies are increasingly being used in health sectors, banking, retail, and police force.

Importance of Privacy in the Digital Era -

Privacy is much more than protecting just personal information; it protects our identity, autonomy, and the ability to act in ways that are not scrutinized or interfered with unnecessarily.

With personal information constantly being collected, analyzed, and shared in ways most people are largely unaware of, privacy in the digital age has new meanings. Today, personal data is digitally stored on various forms of hardware. The virtual environment is the area where platforms, databases, and artificial intelligence systems operate, not in a physical space. The importance of privacy cannot be overemphasized. It safeguards sensitive information from unauthorized persons and enables people to control their private lives. The issues of privacy have evolved in complexity in the modern digital world because data collection today includes not only personal identifiers like names and addresses but also behavioural data.

Relevant are patterns, tendencies, and even emotional states. The models of artificial intelligence rely greatly on large datasets for training purposes to improve their performance; yet the greater the mass of data available, the more the threat to privacy. Privacy should be treated as a human right because artificial intelligence has become pervasive in every point of life, whether it is on health-related issues or electronic commerce. Customers are increasingly finding it hard to understand what information is collected, why, and how it is used when AI-powered systems collect personal data for purposes such as improving user experience or displaying customized advertisements to them.

Concerns about Privacy in the AI Age -

Despite its success, artificial intelligence has introduced a lot of new problems that must be addressed to ensure privacy. Issues related to AI include data exploitation methods, racism and discrimination, job loss, and privacy issues¹⁰. These issues show the necessity of proper rules and ethics in the right promotion and application of AI technology.

Below, we outline the most significant privacy concerns that humans will encounter in the era of AI:

1. The Problem of Privacy Infringement: The biggest issue that AI has, however, is the invasion of privacy. A lot of AI systems gather private information about people usually unconsented especially those that need data collection¹¹. A lot of the AI systems including the internet giants Google and Facebook somehow track where a user is located which they search and their personal preferences. It can be a serious privacy risk although it might be a tool for

¹⁰ Steve Wilkinson, 'Privacy and AI: Protecting Individuals in the Age of AI by Federico Marengo' (2024) 6(3) Journal of Data Protection & Privacy <<https://doi.org/10.69554/TYWR8541>> accessed 07 January 2025

¹¹ *Ibid*

providing customized services even if misused or abused. The Cambridge Analytica incident depicts how AI-driven data harvesting erodes the faith of people in digital platforms by acquiring personal information from Facebook users without their knowledge¹². There are also concerns with the use of facial recognition technology and location tracking in terms of continuous surveillance. AI systems monitor people's activities online and offline, which constitutes a massive invasion of privacy. It can invade the right to anonymity of people in public spaces and provide unauthorized access to information if not adequately restricted.

2. The Problem of Prejudice and Bias: Data is necessary for AI systems to make choices. Not all information is impartial; not all information will be devoid of prejudice. Such biases in training data might produce biased results in practice. This problem is especially important in fields where AI systems could unintentionally reinforce disparities in financing, hiring, and law enforcement. For example, with the use of these biases, an AI model trained on data from a historically biased source may make judgments that discriminate against marginalized groups.

Amazon's AI recruitment tool showed bias in favouring male candidates since it was trained on a resume sample that was primarily made up of male applicants. In this case, the AI was biased against particular prospects, demonstrating AI prejudice. The risks of employing AI in decision-making processes without first removing biases from the data the AI was trained on are reflected in this kind of unconscious bias. AI systems may potentially reinforce preexisting prejudices and drive susceptible people farther over the edge if they are not routinely reviewed and updated.

3. Problem of Employee Job Displacements: With AI, many human-performed jobs might be completed automatically. These stoked concerns that AI might result in the loss of employment. Automation via the use of AI is already revolutionizing industries including manufacturing, transportation, and customer service. Artificial intelligence is prized for increasing efficiency and reducing expenses. However, its use may result in economic inequity, social discontent, and job relocation.

For instance, when AI powers driverless cars, delivery boys and truck drivers will become obsolete, and chatbots may eventually take the place of customer support representatives. There are real worries that mass unemployment may occur, and as AI advances, there is a higher chance of significant job displacement. To lessen the negative effects of AI on the workforce,

¹² 'Cambridge Analytica & Data Privacy' (*Singularity*, 24 October 2022)
 <<https://www.su.org/resources/cambridge-analytica-data-privacy>> accessed 07 January 2025

governments and organizations must endeavour to put in place retraining programs, social safety nets, and laws.

4. Abuse of Data: AI's reliance on massive amounts of data may lead to the misuse and abuse of personal information. Businesses and organizations that gather and keep people's personal information may make money off of it without ever asking for consent or being aware of it. Despite its success, artificial intelligence has introduced a lot of new problems that must be addressed to ensure privacy. Issues related to AI include data exploitation methods, racism and discrimination, job loss, and privacy issues¹³. These issues show the necessity of proper rules and ethics in the right promotion and application of AI technology. Below, we outline the most significant privacy concerns that humans will encounter in the era of AI:

Applications of AI in Surveillance -

The integration of artificial intelligence with surveillance technologies has raised controversy considering various factors based on privacy and human rights. AI-based surveillance systems have greatly benefited both security organizations and police forces by processing information in real-time. In theory, this system could probably prevent criminal activities and better protect the citizens. However, it poses grave privacy issues.

For example, facial recognition technology is increasingly used in public spaces to identify and track people. Critics argue that these systems are likely to lead to unauthorized surveillance and privacy violations, while proponents argue that they enhance security¹⁴.

China is using AI monitoring to track the activities of its inhabitants, which has sparked worries about both an authoritarian government and a social credit system that penalizes people for behaviour deemed undesirable by the government¹⁵. The fact that the majority of spying AI technologies are opaque makes this cause for concern. Because most individuals are unaware of when they are being watched or what happens to their data, this can erode public confidence in government organizations and security services. To address these concerns and guarantee the appropriate application of AI in surveillance, clear legislation and supervision procedures should be developed.

¹³ *Ibid*

¹⁴ Kai Chen and Qiang Yang, *Future of Privacy-Preserving Computing* (CUP 2023)

¹⁵ *Ibid*

PRIVACY ISSUES WITH AI: PRACTICAL EXAMPLES

Examine real-world examples of AI's impact on privacy to have a better understanding of the privacy issues surrounding this technology. Here are a few noteworthy instances of privacy issues relating to AI¹⁶.

Situation 1. Location monitoring on Google: The Associated Press found in 2018 that even after consumers disabled location monitoring on their devices, Google still tracked their travels. Since many users were not aware that Google was still gathering information about their actions, this admission caused a great deal of alarm. The incident illustrated how AI-driven data collection might infringe on privacy, even though Google has since modified its location tracking policy to increase transparency and user control. The location monitoring by Google has serious privacy implications. Google may use the information to track users' movements, everyday activities, and even personal habits. There is a concern that such monitoring may be abused, such as when someone is followed without their consent or knowledge.

Situation 2: AI's Application in Law Enforcement: Law enforcement is increasingly embracing artificial intelligence to make decisions or use facial recognition and predictive policing tools. This software for predicting where and whom crimes will happen uses artificial intelligence to look into historical crime data. However, similar approaches have been criticized to be misallocating their unfair focus on marginalized communities and perpetuating racial biases. Another issue raised by facial recognition technology is privacy, where it matches the faces of people to databases of suspected or known criminals. Although it has proven to produce false positives, thus leading to incorrect arrests, it can be used to identify criminals. It requires strict regulation and control to ensure that AI is utilized appropriately and in public since law enforcement may easily misuse it.

Situation 3: AI in Recruitment and Hiring: Organizations currently utilize AI-based systems for scanning resumes and other candidate assessments. The above are some of the reasons why AI is highly used in the hiring and recruitment processes. AI has been accused of creating bias even though it can assist in streamlining such procedures. For example, it was realized that Amazon's AI hiring tool, which had been trained on a pool of resumes from mostly

¹⁶ Andrea Granados, 'AI and Personal Data: Balancing Convenience and Privacy Risks' (*Velaro*, 15 November 2024) <<https://velaro.com/blog/the-privacy-paradox-of-ai-emerging-challenges-on-personal-data>> accessed 07 January 2025

male applicants, was biased toward male prospects. This story further underlines the need for the hiring process governed by AI to be transparent. Companies should continuously test AI systems to check for biases and promote equity and justice in the hiring process.

The Requirement of Supervision -

It's becoming more necessary to regulate with the advancements in AI technologies. Without proper regulation or accountability mechanisms, AI systems could be employed in ways that infringe upon people's rights and privacy. To create comprehensive regulations that protect privacy and promote innovation, governments and the private sector must collaborate. Responsible development and application of AI technology, respecting ethical and privacy concerns, will be ensured by effective regulation¹⁷. Additionally, it will aid in the prevention of AI abuse, including discriminatory tactics, data exploitation, and mass eavesdropping. Regulations must be flexible enough to keep up with the quick advancement of technology while also ensuring that people's rights are upheld.

The Relevance of Encryption and Data Security -

Data security and encryption are required to protect personal information in the era of artificial intelligence; the legislation alone is insufficient. Large volumes of data must be safely stored and communicated as AI systems depend on them to work. Sensitive information has to be encrypted to prevent nefarious individuals from accessing, reading, or using it.

Businesses using AI will need to defend against unauthorized access, secure encryption methods, and data breaches. Essential steps may be taken, particularly in e-commerce, healthcare, and finance, where data breaches are certain to have disastrous consequences. Organizations adopting AI for security must prioritize protecting personal data from unauthorized use and cyberattacks.

ETHICAL INTEGRATION OF ARTIFICIAL INTELLIGENCE IN THE LEGAL PROFESSION

Introduction to AI in the Legal Profession -

¹⁷ Katharine Miller, 'Privacy in an AI Era: How Do We Protect Our Personal Information?' (*Stanford University*, 18 March 2024) <<https://hai.stanford.edu/news/privacy-ai-era-how-do-we-protect-our-personal-information>> accessed 07 January 2025

Artificial intelligence (AI) has improved over the past ten years, and many companies have integrated AI systems into their operations. AI is finally starting to make its way into the legal industry as well, changing how the law is practised. Since the application of cutting-edge AI systems has the potential to enhance the standard of legal services and expand individual access to justice, many of these improvements are beneficial. However, there are also a lot of ethical questions raised by the application of AI in the legal sector. The governance of advanced AI systems is still uncertain since the Model Rules of Professional Conduct, which operate as ethics standards for legal practitioners, were draughted long before such programs were developed. However, as AI programs will probably become more and more significant in the legal profession, particularly in the areas of legal research, legal forms, and contract evaluation, it is crucial to determine how to utilize them ethically. The use of AI in the legal industry raises particular issues with the need for solicitors to represent clients competently and AI systems to refrain from practising law without authorization.

Advanced computing systems that simulate human intellect to carry out activities like thinking, problem-solving, and decision-making are referred to as artificial intelligence (AI). By applying technologies like machine learning, natural language processing, and predictive analytics, artificial intelligence (AI) is used in the legal industry to increase the precision and effectiveness of legal tasks. Artificial intelligence systems have also taken the place of legal research, which was once thought to require a lot of work. These uses demonstrate how artificial intelligence (AI) may transform legal operations, boost output, and broaden access to legal services. The use of AI in the legal sector involves significant ethical issues as its implementation might erode justice, transparency, and public trust in the legal system. If AI is utilized responsibly, there is no doubt that it would uphold the key principles of substantive justice, individual rights, and equitable results.

The Ethical Issues of AI in Legal Practice: Although encouraging, the use of AI in the legal field brings up certain moral concerns that need to be resolved to guarantee the equitable and sensible use of technology. To maintain the integrity of the judicial system, prejudice, responsibility, explainability, and openness are crucial concerns.

Bias and Discrimination in AI Algorithms: The legal profession faces significant ethical challenges regarding AI algorithms, particularly concerning bias and prejudice¹⁸. The historical data used to train these AI systems often reflects social biases tied to gender, race, socioeconomic status, and other factors. As a result, decisions made by AI can reinforce or even exacerbate existing biases. For example, critics have pointed out that sentencing algorithms in the criminal justice system, like COMPAS (Correctional Offender Management Profiling for Alternative Sanctions), tend to classify individuals from minority groups as high-risk offenders at a disproportionate rate¹⁹. Such outcomes undermine public trust in AI systems and raise serious concerns about the fairness of the legal system. To address these issues, it is essential to curate data carefully, conduct regular audits of AI models, and implement fairness measures to reduce biased outcomes.

Responsibility in AI-Powered Choice: Accountability stands out as a significant ethical concern regarding the use of AI in legal practice. Errors in AI-generated decisions, such as flawed legal advice, biased outcomes, or misinterpretation of data, can adversely affect both clients and the legal system. However, determining who is at fault in these situations is quite difficult. The "black box" characteristic of many AI systems complicates the identification of specific sources of bias or mistakes, raising the question of accountability—whether it lies with the AI tool's developer, the law firm employing it, or the attorney utilizing it. A clear definition of accountability rules is essential. These rules could establish the legal frameworks that outline the responsibilities of developers, lawyers, and other participants in the AI landscape. It is crucial to implement effective supervision protocols and document the decisions made by AI. These ethical challenges associated with AI in legal practice require careful and proactive attention. Only by eliminating bias, improving transparency and explainability, and clarifying accountability can the legal profession fully harness the advantages of AI while upholding its commitment to justice and fairness.

¹⁸ Frank Pasquale, *The Black Box Society: The Secret Algorithms That Control Money and Information* (Harvard University Press 2015)

¹⁹ Julia Angwin et al., 'Machine Bias' (*ProPublica*, 23 May 2016) <<https://www.propublica.org/article/machine-bias-risk-assessments-in-criminal-sentencing>> accessed 07 January 2025

Legal and Regulatory Structure -

The ethical and effective use of AI, which is increasingly being incorporated into legal practice, requires a robust regulatory framework. Even while AI ethics are covered by certain current regulations, the unique challenges posed by this technology need the development of new, specialized laws as well as amendments to current ones.

Current AI Ethics Guidelines: India is still in the early phases of creating thorough laws governing AI, especially how it may be used in court proceedings. Several policy efforts and current regulations provide advice on the ethical use of AI, even if no particular laws or rules control AI ethics in the legal area.

A. The National Artificial Intelligence Strategy: The ethical and responsible development of AI in India is emphasized in the National Strategy on Artificial Intelligence published by NITI Aayog in 2018. It describes values like responsibility, openness, and avoiding bias in AI systems. The policy offers a fundamental framework for guaranteeing that AI is in line with India's socioeconomic objectives and values, notwithstanding its broadness and lack of legislative area specificity. In legal applications where fairness is crucial, the guideline emphasizes the necessity of explainable AI and the incorporation of different datasets to reduce biases.

B. The Information Technology Act 2000: Some aspects of AI ethics are implicitly covered by the Information Technology Act of 2000, especially data protection, cybersecurity, and responsibility for digital acts²⁰. For example, AI systems processing legal data would be subject to Section 43A of the Act, which requires organizations handling sensitive personal data to maintain adequate security standards. Although AI is not specifically mentioned in the Act, its data protection and accountability rules are crucial to guaranteeing the ethical application of AI in legal settings.

Human Judgement vs Automation -

There are worries that artificial intelligence (AI) technologies will eventually replace human judgment in the legal profession. Even if AI is powerful and extremely accurate, it will never be able to match the breadth of knowledge and moral discernment required for legal practice.

²⁰ Sandeep Parekh, *Cyber Laws in India* (2nd edn, LexisNexis 2018)

AI's Boundaries in Ethical Evaluation: An AI system cannot truly grasp or apply moral reasoning or ethical principles, regardless of its sophistication²¹. The role of a legal professional often involves navigating complex, emotionally charged situations, such as advising clients on sensitive matters or fighting for justice in difficult cases. These scenarios require emotional intelligence, moral intuition, and a profound understanding of human ethics—all areas where AI falls short. For instance, while an AI can analyse legal precedents and forecast case outcomes, it cannot assess the ethical ramifications of a particular legal strategy. Likewise, when faced with a conflict between efficiency and justice, AI cannot lose between prioritising efficiency or considering the broader social consequences of its suggestions. This limitation underscores the importance of human judgment in legal matters over AI-driven solutions. The lawyers must be active in interpreting the findings by AI, putting its suggestions into perspective, and ensuring that decisions are taken with the highest moral standards and in the best interest of the clients.

Danger of Excessive AI Dependence: For this reason, with AI being accessible and efficient attorneys become overly dependent on it so they may begin to lose how to think well critically. Automating routine chores like legal research and document review causes lawyers to disconnect from the bedrock on which the law profession is grounded. We describe this as ‘de-skilling.’ Lawyers relying on AI just to locate case law relevant to an issue risk missing their ability to critically evaluate legal arguments or even to notice minor inconsistencies²².

If the results are wrong or even unethical, the lawyer's authority to make personal decisions is affected by dependence on AI. The challenge that this kind of dependency on AI-based solutions poses lies in the sphere of legal representation and the whole justice system. The lawyers will have to make a compromise between the advantages of AI and their core skills. The risks associated with its use can be reduced. Lawyers can effectively harness AI while retaining their ability to think critically and ethically with the help of training programs and professional development activities. The legal profession can ensure that AI is used to augment rather than replace human judgment and justice principles by addressing these issues and creating a comprehensive regulatory and ethical framework.

²¹ Ryan Abbott, *The Reasonable Robot: Artificial Intelligence and the Law* (CUP 2020)

²² Joshua P. Davis, ‘Law Without Mind: AI, Ethics, and Jurisprudence,’ (2018) 55(1) California Western Law Review <<https://scholarlycommons.law.cwsl.edu/cgi/viewcontent.cgi?article=1666&context=cwlr>> accessed 07 January 2025

AI Ethics in Law's Future -

AI integration in the legal field involves a balance between fundamental ideals and technological progress. It is one of the two important factors that will impact future happenings. This encourages collaboration among stakeholders. How to strike a balance between moral rectitude and creativity.

Harmonising Ethics and Innovation: An evolution of technology is forcing the law profession to appreciate innovation as an ethical infringement. This becomes a reality if only it is fairly determined whether the advantages and disadvantages of AI are weighed. Artificial intelligence drives access to justice speeds up processes, and alters judgments in the process. Automation of repetitive performance tasks, such as document review, ensures lawyers now have time for more challenging legal research and thought. Lawyers could come up with strategies that work for them by using case results from predictive analytics. However, these technologies should not be deployed in haste without fairness, accountability, transparency, and other ethical considerations. The machine should be able to provide a sense of ethical integrity while promoting fairness while applying the technology. One such technology here also features that the application of AI must be transparent, auditable by humans, and built with a massive fortress against prejudice. For any lawyer, he always has to stay awake enough to understand the implications and limitations of AI. To ensure that public trust in law does not get negatively affected by the advancements in technology, regulatory bodies should be strict in establishing adherence to ethical principles.

The Way Ahead: In the future, to make AI ethics in law prosper, it is important to develop trust, ensure transparency, and promote responsibility.

This can be done by:

- **Ethical Design Principles:** The process of integrating morality into AI systems, making them inclusive, equitable, and accessible.
- **Regulatory Oversight:** Making flexible legislation adaptable to the latest developments in technology.
- Educate the public about AI's legal role to increase people's trust in, and proper utilization of, AI.

- **International Cooperation:** Harmonizing international standards governing cross-border impacts of AI on the legal sector. AI can be applied by the legal bar to maintain ethical values and facilitate cooperation between parties during the process of administering justice. In this regard, AI is a force for growth rather than an instrument of injustice or bad.

AI IN LAW: INNOVATION AMIDST TRADITION AND SCEPTICISM

India's long-standing reliance on the traditional legal system, which is ingrained in its history, culture, and judicial system, has not been disrupted until recently. This system has historically emphasized male interpretation, ethical reasoning, and judicial discretion. However, with the introduction of artificial intelligence into the legal field, the legal landscape has changed, and the traditional legal model is losing its honours—or, to put it another way, giving them to the AI. But, one generic question arises: who is better? Technology or human judgment? The answer to this is even more straightforward: Both humans and technology are essential to each other; they are dependent on each other in a very intricate manner; without one the other won't survive, the important question that needs to be answered is “Why is AI seen as a threat to lawyers and why is there scepticism in the minds of legal professionals when the question relates to AI?”

To understand the scepticism and the dangers of AI, let's dive into the ocean of information we have in hand. Tasks like research, contract reviews, and document writing that are often performed by the newest additions of legal teams might be completed more quickly and consistently by generative AI tools. The utility of early-career lawyers in a society increasingly dominated by automation was called into question by the widespread dread of obsolescence. More importantly, this concern went beyond redundancy; it also ran the risk of compromising the traineeship's core goal, which is the progressive acquisition of fundamental legal skills via practical experience, critical thinking, iterative learning, and successful client communication.

In June 2023, A lawyer created a legal brief using ChatGPT, a generative AI platform. The document included citations to several court decisions that seemed to establish precedents in favour of his client's position. There was only one drawback. The judge in charge of the case discovered that six of the cases were non-existent. Rather, the online tool had conjured them up. This is only one of several well-known cases where lawyers have been humiliated and impeded by contemporary technology. Such instances raise questions about the use of AI in the legal field

as there is a big black dot of uncertainty while using AI: Does the answer that it gives exist, or is it just a fragment of the imagination of intelligence?

David Wilkins, director of the Center of Legal Profession at Harvard, answers the question of uncertainty on what AI produces, describing that AI is improving significantly and experiencing fewer hallucinations, a phrase used by specialists to describe false information produced by AI. AI that has been trained on legal documents and is intended to address particular, intricate legal issues is replacing non-specialized AI in the sector. Most attorneys assert that if one requests ChatGPT, let alone a more sophisticated version, to write a letter about a legal matter, you will receive a response comparable to that of a first-year assistant at a law firm. A lawyer has to still evaluate it, of course, as any capable superior lawyer would before publishing the work of their sophomores, but the potential is evident when you compare the cost of AI to that of a first-year associate²³.

AI is becoming more prevalent in the legal system, not only in the area of law enforcement but also in the once-exclusive litigation field²⁴. As the first AI lawyer in history, DoNotPay, a chatbot lawyer, made a name for itself in 2014. Its very basic objective was to appeal parking penalties in the city of London. Another example of AI being used comes from Estonia, Estonia's new AI judge proposal, which states that claims under 7000 are to be heard by an AI judge²⁵, strikes an alarm among the legal professional community as the proposal wants to eliminate the “human judgement” concept. Another such example comes from our neighbor China, several Chinese cities and provinces, such as Hangzhou, have also created an AI judge in a cyber court setting, following Estonia's lead. The Supreme People's Court, China's highest court, didn't disclose that they had been using an AI judge until December 2019.

They started utilizing the cyber court system in 2017. This ‘Internet Court’ deals with issues like copyright and e-commerce disputes that have some connection to the digital realm. To counter the scepticism against AI, we need to understand the benefits the model provides; through the Estonian and Chinese examples, we can deduce that AI helps citizens who do not want to be involved in the drawn-out, costly, and stressful litigation procedure in addition to freeing up

²³ Jeff Neal, ‘The legal profession in 2024: AI’ (*Harvard Law Today*, 14 February 2024) <<https://hls.harvard.edu/today/harvard-law-expert-explains-how-ai-may-transform-the-legal-profession-in-2024/>> accessed 07 January 2025

²⁴ Richard Susskind, *Tomorrow's Lawyers: An Introduction to Your Future* (2nd edn, OUP 2017)

²⁵ *Ibid*

judges to focus on more important rulings. Furthermore, compared to human courts, AI judges might be more equitable. According to a collaborative study conducted by Queensland University of Technology and Swinburne University Law School in Australia, courts operating under the status quo were impacted by arbitrary elements such as socioeconomic status or race. Furthermore, rulings from various courts were inconsistent because the judiciary is made up of hundreds, if not thousands, of distinct judges, attorneys, and legal professionals; through the use of such module, consistency can be maintained throughout the legal field, and a swift and just justice can be provided. Even though scepticism can never be removed from the minds of legal professionals, we can try to look into the benefits AI gives us; it is used in several technologies available to assist litigators with their research requirements. For big legal firms looking to expand on the innovation limb, collaborating with ROSS Intelligence could improve legal research by speeding up the procedure and producing more focused outcomes. Lawyers focusing on intellectual property disputes may use Lex Machina to improve their litigation case strategy. Thomson Reuters or Bloomberg Law can supplement standard legal research for those looking for more conventional but progressive programs. These are the only instruments available right now. There will probably be more, so things will only improve. Lawyers who fear AI may replace them should not worry since AI is used to assist in legal professionalism rather than control it²⁶.

In the Indian context, the pathway of AI might be a little too difficult, giving rise to raised brows when the proposal of AI in the judiciary comes; AI will perpetuate the past errors and implicit biases of previous instances that humans supervised because AI depends on having a sizable database of prior cases to forecast judgments for future cases. Artificial intelligence lacks the flexibility to adjust to changing societal mores or correct past mistakes, and the use of technology might not be everyone's cup of tea. This would further divide the Indian legal field. India focuses on the traditional legal approach, and a sudden introduction of AI would put a dent in the legal field rather than polishing and complimenting it²⁷. Ameen Jauhar (Team Lead - Applied Law & Technology Research (ALTR)) equated the function of an AI tool to that of a briefing counsel supporting a senior counsel in the context of the Indian legal system. He clarified, saying, "A

²⁶ Nicolás Parra-Herrera, 'Being a Competent Lawyer in the Age of Generative Artificial Intelligence' (*Harvard Law School Center on the Legal Profession*, 06 November 2024) <<https://clp.law.harvard.edu/knowledge-hub/insights/being-a-competent-lawyer-in-the-age-of-generative-artificial-intelligence/>> accessed 07 January 2025

²⁷ *Ibid*

briefing counsel assists a senior lawyer by offering insights, either by written notes or whispers, during arguments. A briefing counsel is frequently more knowledgeable about the case's facts or pertinent legal precedents. In essence, this instrument is made to carry out a comparable task. He added that as there are now no legislative constraints on the use of such technology by Indian litigators or attorneys, such a tool might potentially be used in Indian courtrooms.

The introduction of AI in the legal industry is a revolutionary development that strikes a balance between its advantages and difficulties; it has given rise to scepticism among lawyers about their position in the legal field as AI is seen as something that aims to eliminate the lawyers and take its place. Prominent instances, like the creation of fake legal citations, highlight the dangers of relying too much on AI without human supervision. In the Indian context adoption of AI must be done with caution as India follows a more structured and traditional approach to legal proceedings. Its adoption is made more difficult by its incapacity to overcome latent biases and adjust to changing societal norms. Ultimately, artificial intelligence (AI) can support the legal field in many ways. Still, its adoption needs to be slow and closely watched to maintain the fundamentals of human judgment while utilizing technical breakthroughs.

CONCLUSION

Due to its rapid development, artificial intelligence is changing the nature of our lives, work, and interactions and transforming the course of many industries. Artificial intelligence (AI) has several benefits, including better decision-making and efficiency and very personalized user experiences. However, it raises essential questions about data privacy and individual rights. All of these factors—biases in AI systems, uncontrolled personal data, gathering and analysis, and sensitive data misuse—underline the need for proactive steps that can reduce those risks.

Machines are capable of conceptual and analytical processing thanks to artificial intelligence. Over the past 20 years, artificial intelligence techniques have greatly advanced several fields. AI will keep becoming more and more important in several sectors, including data privacy. The prospect of employing artificial intelligence to protect data privacy is at the heart of this work. AI is progressively becoming a useful ally of organizational data protection efforts, as was previously shown. Concerns about data security are becoming more widespread, and AI may be a huge help in spotting such threats and safeguarding businesses' private information. Even if AI will have an impact on every aspect of people's daily lives in the future, there are some issues

with data privacy. However, a great deal of research is being conducted on the use of AI to ensure complete protection of your essential, private, and sensitive data.

While there are already many advantages to the widespread use of AI, there are also significant risks. The limitations and inadequacy of the current data protection frameworks in protecting privacy and promoting innovation in an increasingly data-driven economy are brought to light by attempts to address those challenges inside them. We have a chance and a growing need to evaluate the efficacy of present data protection regulations and update them to take into account the realities of the twenty-first century as new AI applications are created and implemented.

Utilizing AI in the legal decision-making process provides evident advantages, such as quicker ruling times, a more comprehensive examination of pertinent legal factors, and enhanced access to justice²⁸. Nonetheless, it is crucial to recognize the ethical implications linked to the incorporation of AI into the judicial system. The responsible and efficient use of AI in the legal sector requires a thorough examination of matters related to explainability, bias, data privacy, and security.

To guarantee transparency and explainability, AI systems must deliver interpretable outcomes, enabling legal experts and the public to comprehend and assess the rationale behind AI-generated choices. Reducing bias and fostering fairness necessitates thoughtful selection of training data, ongoing evaluations of AI systems, and cross-disciplinary teamwork to address biases and guarantee equity²⁹. Human oversight and responsibility are crucial, as AI systems ought to assist legal professionals instead of completely supplanting their decision-making. Ethical guidelines and regulatory structures ought to be established and frequently revised to offer explicit recommendations for the responsible application of AI in legal decision-making.

By following these principles and tackling the ethical issues, the possible advantages of AI in the legal system can be enhanced while reducing the accompanying hazards. A careful and responsible strategy allows AI to aid in creating a more efficient, equitable, and accessible legal

²⁸ Harry Surden, 'Machine Learning and Law' (2014) 89(1) Washington Law Review
<<https://digitalcommons.law.uw.edu/cgi/viewcontent.cgi?article=4799&context=wlr>> accessed 07 January 2025

²⁹ Sandra Wachter et al., 'Bias Preservation in Machine Learning: The Legality of Fairness Metrics Under EU Non-Discrimination Law' (2021) 123(3) West Virginia Law Review
<<https://researchrepository.wvu.edu/cgi/viewcontent.cgi?article=6331&context=wvwr>> accessed 07 January 2025

system. Lawyers, legislators, and other stakeholders must ensure that artificial intelligence is utilized in a manner that honours human dignity and maintains the rule of law.